

CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 367

Citations Affected: IC 5-2; IC 11-8; IC 11-12; IC 11-13; IC 31-37; IC 35-33; IC 35-38; IC 35-43; IC 35-44; IC 35-50; IC 36-2; IC 36-8; noncode.

Synopsis: Sex offender directory. Conference committee report for ESB 367. Provides that an offender must register with the county sheriff, or, in a consolidated city, with the police chief (instead of all local law enforcement agencies). Requires sheriffs to jointly maintain a sex offender registry web site containing the photograph, address, and other information relating to an offender. Provides that the jail commissary fund may be used to fund the sex offender registry web site. Requires the criminal justice institute to send a copy of the sex and violent offender directory to certain parties on computer disk, to send a paper copy of the directory upon request, and to provide a computer link to sex offender web sites maintained by county sheriffs. Provides that a person must register in Indiana if the person spends seven or more days in Indiana in a 180 day period or owns real property in Indiana and returns to the property at any time. Provides that a person who damages or defaces a copy of the directory commits criminal mischief: (1) as a Class A misdemeanor if the person is not required to register; and (2) as a Class D felony if the person is required to register. Prohibits an offender on probation or parole from residing within one mile of the victim's home. Provides that the victim's address is confidential. Repeals provisions concerning the current sex and violent offender registry. (This conference committee report specifies that the police chief of a consolidated city is responsible for offender registration in the county containing the consolidated city, provides that the sheriff of a county containing a consolidated city must provide the police chief of the consolidated city with photographic and other equipment necessary to transmit current sex offender photos and other identifying information to the sheriff's sex offender registry web site, and removes certain provisions relating to flight risks and community corrections.)

Effective: January 1, 2003; July 1, 2003.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 367 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Page 1, line 1, delete "P.L.272-2001," and insert "HEA 1202-2002,
- 2 SECTION 1,".
- 3 Page 1, line 2, delete "SECTION 2, AND AS AMENDED BY
- 4 P.L.228-2001, SECTION 2,".
- 5 Page 1, line 3, delete "AND CORRECTED".
- 6 Page 2, line 7, after "(9)" insert "is employed by an entity that seeks
- 7 to enter into a contract with a public school (as defined in
- 8 IC 20-10.1-1-2) or a non-public school (as defined in IC 20-10.1-1-3),
- 9 if the subject of the request is expected to have direct, ongoing contract
- 10 with school children within the scope of the subject's employment;
- 11 (10)".
- 12 Page 2, line 11, delete "(10)" and insert "(11)".
- 13 Page 2, line 14, delete "(11)" and insert "(12)".
- 14 Page 2, line 16, delete "(12)" and insert "(13)".
- 15 Page 2, line 18, delete "(13)" and insert "(14)".
- 16 Page 2, line 29, reset in roman "sexual misconduct with a minor as
- 17 a".
- 18 Page 2, line 29, after "or" insert "Class".
- 19 Page 2, line 29, reset in roman "felony".
- 20 Page 2, line 30, reset in roman "(IC 35-42-4-9)".
- 21 Page 2, line 31, reset in roman "(J)".
- 22 Page 2, line 41, reset in roman "any of".

- 1 Page 2, line 41, delete "purpose".
- 2 Page 2, line 42, delete "of".
- 3 Page 2, line 42, reset in roman "following purposes:".
- 4 Page 3, line 1, delete "and".
- 5 Page 3, line 1, reset in roman "with a state or local governmental".
- 6 Page 3, line 2, reset in roman "entity.".
- 7 Page 9, line 2, after "resides." insert **"However, if an offender**
- 8 **resides in a county having a consolidated city, the offender shall**
- 9 **register with the police chief of the consolidated city.".**
- 10 Page 9, line 7, after "vocation." insert **"However, an offender**
- 11 **described in subsection (a)(2) who is employed or intends to be**
- 12 **employed or to carry on a vocation in a consolidated city shall**
- 13 **register with the police chief of the consolidated city.".**
- 14 Page 9, line 9, after "county." insert **"However, if an offender is**
- 15 **employed or intends to be employed or to carry on a vocation in a**
- 16 **county containing a consolidated city and another county, the**
- 17 **offender shall register with the police chief of the consolidated city**
- 18 **and the sheriff of the other county.".**
- 19 Page 9, line 13, after "student." insert **"However, if an offender**
- 20 **described in subsection (a)(3) is enrolled or intends to be enrolled**
- 21 **as a student in a county containing a consolidated city, the offender**
- 22 **shall register with the police chief of the consolidated city.".**
- 23 Page 9, line 15, after "located." insert **"However, if the offender**
- 24 **owns real property in a county containing a consolidated city, the**
- 25 **offender shall register with the police chief of the consolidated**
- 26 **city.".**
- 27 Page 9, line 18, after "sheriff" insert **"or police chief of a**
- 28 **consolidated city".**
- 29 Page 9, line 25, delete "sheriff," and insert **"sheriff or the police**
- 30 **chief of a consolidated city,".**
- 31 Page 9, line 26, after "sheriff" insert **"or police chief".**
- 32 Page 9, line 30, after "sheriff" insert **"with whom an offender**
- 33 **registers under this section".**
- 34 Page 9, line 32, after "IC 36-2-13-5.5." insert **"The police chief of a**
- 35 **consolidated city with whom an offender registers under this**
- 36 **section shall make a photograph of the offender that complies with**
- 37 **the requirements of IC 36-2-13-5.5 and transmit the photograph**
- 38 **(and other identifying information required by IC 36-2-13-5.5) to**
- 39 **the Indiana sheriffs' sex offender registry web site established**
- 40 **under IC 36-2-13-5.5. Every time a sex offender submits a new**
- 41 **registration form to the police chief of a consolidated city, but at**
- 42 **least once per year, the police chief shall make a photograph of the**
- 43 **sex offender that complies with the requirements of IC 36-2-13-5.5.**
- 44 **The police chief of a consolidated city shall transmit the**
- 45 **photograph and a copy of the registration form to the Indiana**
- 46 **sheriffs' sex offender registry web site established under**
- 47 **IC 36-2-13-5.5. The sheriff of a county containing a consolidated**
- 48 **city shall provide the police chief of a consolidated city with all**
- 49 **photographic and computer equipment necessary to enable the**
- 50 **police chief of the consolidated city to transmit sex offender**
- 51 **photographs (and other identifying information required by**

IC 36-2-13-5.5) to the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. In addition, the sheriff of a county containing a consolidated city shall provide all funding for the county's financial obligation for the establishment and maintenance of the Indiana sheriff's sex offender registry web site established under IC 36-2-13-5.5."

Page 9, line 34, after "sheriff" insert "or police chief of a consolidated city".

Page 11, line 6, after "county" insert "or the police chief having jurisdiction in the consolidated city".

Page 12, line 1, after "sheriff" insert "or the police chief".

Page 12, line 5, after "sheriff" insert "or the police chief".

Page 12, line 7, after "county" insert "or the police chief of the consolidated city, if the county has a consolidated city,".

Page 12, line 10, after "sheriff" insert "or the police chief".

Page 12, line 12, after "sheriff" insert "or the police chief".

Page 12, line 21, after "sheriff" insert "or the police chief of a consolidated city".

Page 12, line 27, after "sheriff" insert "or the police chief of a consolidated city".

Page 12, line 29, after "Indiana" insert "or the police chief of the consolidated city, if the county has a consolidated city,".

Page 12, line 32, after "sheriff" insert "or the police chief of the consolidated city".

Page 12, line 34, after "sheriff" insert "or the police chief of the consolidated city".

Page 12, line 37, after "sheriff" insert "or police chief of a consolidated city".

Page 12, line 39, after "sheriff" insert "or police chief of a consolidated city".

Page 13, line 6, after "sheriff" insert "(or the police chief of a consolidated city)".

Page 13, line 11, after "sheriff" insert "(or the police chief of a consolidated city)".

Page 13, line 25, after "sheriff" insert "(or the police chief of a consolidated city)".

Page 13, line 38, after "sheriff" insert "(or the police chief of a consolidated city)".

Page 14, line 6, after "sheriff" insert "(or the police chief of a consolidated city)".

Page 15, line 33, after "county" insert "(or the police chief of the consolidated city)".

Page 15, delete lines 39 through 42.

Delete pages 16 through 17.

Page 18, delete lines 1 through 28.

Page 19, line 42, after "sheriff" insert "(or the police chief of a consolidated city)".

Page 20, delete lines 18 through 42.

Page 21, delete lines 1 through 21.

Page 21, line 36, after "sheriff" insert "(or the police chief of a

- 1 **consolidated city)".**
- 2 Page 22, delete lines 12 through 42.
- 3 Delete pages 23 through 24.
- 4 Page 25, delete lines 1 through 9.
- 5 Page 25, line 17, after "sheriff" insert **"(or the police chief of a**
- 6 **consolidated city)".**
- 7 Page 25, line 25, after "sheriff" insert **"(or the police chief of a**
- 8 **consolidated city)".**
- 9 Page 26, line 1, after "sheriff" insert **"(or the police chief of a**
- 10 **consolidated city)".**
- 11 Page 27, delete lines 38 through 42.
- 12 Delete pages 28 through 29.
- 13 Page 30, delete lines 1 through 3.
- 14 Page 31, delete lines 31 through 42.
- 15 Page 32, delete lines 1 through 4.
- 16 Renumber all SECTIONS consecutively.
(Reference is to ESB 367 as reprinted February 26, 2002.)

Conference Committee Report
on
Engrossed Senate Bill 367

Signed by:

Senator Long
Chairperson

Representative Herrell

Senator Alexa

Representative Noe

Senate Conferees

House Conferees